

भारत का राजपत्र **The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

Part II—Sec. 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 46] नई दिल्ली, सोमवार, अगस्त 26, 1968/4 भाद्र, 1890

No. 46] NEW DELHI, MONDAY, AUGUST 26, 1968/BHADRA 4, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 26th August, 1968:—

BILL No. XXVIII OF 1968

A Bill further to amend the Indian Soldiers (Litigation) Act, 1925.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Indian Soldiers (Litigation) Amendment Act, 1968. Short title.

4 of 1925.

2. In the Indian Soldiers (Litigation) Act, 1925 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.

(i) for clause (a), the following clause shall be substituted, namely:—

‘(a) “Court” means a Court other than a Criminal Court and includes any such tribunal or other authority as may be

specified by the Central Government by notification in the Official Gazette being a tribunal or authority which is empowered by law to receive evidence on any matter pending before it and on the basis of such evidence to determine, after hearing the parties before it, the rights and obligations of the parties in relation to such matter;;

(ii) in clause (b), the words and figures “, or the Navy Act, 1957” shall be added at the end;

62 of 1957.

(iii) after clause (d), the following clause shall be inserted, namely:—

“(e) any reference to a decree or order of a Court shall be deemed to include a reference to a judgment, determination or award of a Court.”.

Amend-
ment of
section 3.

3. In section 3 of the principal Act, in clause (a), the words “or at any such place within India as may be specified by the Central Government by notification in the Official Gazette” shall be added at the end.

STATEMENT OF OBJECTS AND REASONS

The Indian Soldiers (Litigation) Act, 1925 (4 of 1925) gives special protection to soldiers by way of postponement of the proceedings initiated against them before Civil and Revenue Courts and provides for the setting aside of decrees and orders passed against them *ex parte* on occasions when they cannot be relieved from their Units while they work under special conditions. Some defects have been noticed in the course of the working of this Act. At present Rent Controller, Tribunals and such other quasi-judicial authorities are outside the definition of the term "Court". The Act is also not directly applicable to Naval personnel, though by a notification issued under section 14 such persons have also been brought under its provisions. There appears to be no need now to treat Naval personnel on a separate footing and it is proposed to widen the scope of the definition of "Indian Soldiers" in the Act so as to include persons subject to the Navy Act, 1957, as well. Again protection is available at present only when the soldiers are serving under war conditions, or overseas or at any place beyond India, and soldiers who are located in remote operational areas within India, do not get the protection under the Act. This difficulty was overcome during the period of the last emergency by the issue of a notification under clause (b) of section 3 of the Act declaring that the services of soldiers during the period of emergency shall be deemed to be service under war conditions. It is proposed to amend that Act so as to bring soldiers serving in such remote operational areas as may be specified by the Central Government, within its scope.

The Bill seeks to achieve the above purposes.

NEW DELHI;

SWARAN SINGH.

The 9th July, 1968.

B. N. BANERJEE,
Secretary.

